HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 8322 OF 1999

DATED: 2.8.2006

Between:

Jalumuru Samba Murthy Raju

… Petitioner

and

Govt. of Andhra Pradesh, represented by
Principal Secretary, Social Welfare
Department and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 8322 OF 1999

ORAL ORDER:

Petitioner assails the order of the 2nd respondent-Collector dated 20.3.1999 bearing reference Rc.No.28/95/C7, whereby on the basis of a report of the Chairman, District Level Scrutiny Committee and exercising powers under Section 5 (1) of the Andhra Pradesh (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act'), the "Kondadora (ST) caste certificate of the petitioner dated 10.8.1979 issued by the then Tahsildar, Salur, is cancelled.

The petitioner was issued a notice in Form No. V by the 2nd respondent's proceedings dated 1.2.1999 calling upon him to attend an enquiry regarding his community claim, on 20.2.1999 at the Collector's office, duly furnishing all documentary evidence in support of his community claim, on the basis of which the Scrutiny Committee would finalize its

recommendations on the available material. The notice was served on the petitioner on 10.2.1999. The District Level Scrutiny Committee met on 20.2.1999. On the said date the petitioner was absent. On the basis of the available material and recording the petitioner's absence, the District Level Scrutiny Committee submitted its report and findings with recommendations to the competent authority i.e. the 2nd respondent-District Collector for eventual action.

According to the counter of the 2nd respondent, on 21.2.1999 at 10.30 p.m., the 3rd respondent received a telegram sent by the writ petitioner seeking an adjournment of 15 days as he was bed ridden. On the very next day i.e. 22.2.1999, a letter was also received from the petitioner enclosing a medical certificate dated 18.2.1999 requesting 15 days time. Despite receipt of the telegram and the letter, by 22.2.1999, the impugned order was passed by the 2nd respondent on 20.3.1999 nearly a month after there was on record an application of the petitioner expressing inability to attend the enquiry before the District Level Scrutiny Committee on account of ill-health, a request accompanied by a medical certificate.

The singular ground urged by the petitioner for attacking the impugned order of the District Collector dated 20.3.1999 is that the decision to cancel his caste certificate was taken without notice and a reasonable opportunity to

him. On the basis of facts on record, the petitioner's complaint is established. The impugned order of the Collector is vitiated for violation of the principles of natural justice and provisions of Art.14 of the Constitution, which mandate fair and reasonable opportunity to be given to a person whose vital rights are affected and who is likely to be subjected to severe civil consequences.

For the aforesaid reasons, the impugned order of the 2nd respondent dated 20.3.1999 is set aside. The 2nd respondent will now proceed to issue a fresh notice to the petitioner and after giving him a reasonable opportunity as is required under the Act; shall take a fresh decision as to the validity or regularity of the petitioner's caste certificate dated 10.8.1979 issued by the Tahsildar, Salur, expeditiously. The 2nd respondent shall conduct the enquiry within a period of two months from the date of receipt of a copy of this order, after giving the petitioner a due and reasonable opportunity. The petitioner shall cooperate in the enquiry to ensure that the 2nd respondent completes the enquiry and passes orders therein within the period directed above. Pursuant to such enquiry, the 2nd respondent shall pass a reasoned order and shall communicate it to the petitioner within the aforesaid time after a due process of enquiry.

The writ petition is allowed with the directions above. There shall be

no order as to costs.

GODA RAGHURAM, J

Date: 2.8.2006

cvm